

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In the Matter of:

Chapter 11

Magnetic Resonance Imaging  
Associates of Queens, P.C.

Case No. 1:15-40644 (NHL)

debtor.

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**AMENDED MOTION OF THE DEBTOR FOR ENTRY OF AN ORDER  
SCHEDULING AN EXPEDITED HEARING ON FIRST DAY MOTION FILED  
BY THE DEBTOR AND APPROVING THE FORM AND MANNER OF NOTICE  
THEREOF.**

**To: The Honorable Nancy H. Lord,  
United States Bankruptcy Judge**

MAGNETIC RESONANCE IMAGING ASSOCIATES OF QUEENS, P.C.

("Debtor") hereby moves the Court for entry of an Order (i) scheduling an expedited hearing on amended first day motion filed by Debtor (Collectively the First Day Motion"), and (ii) approving the form and manner of notice thereof. In support of this Motion, the Debtor incorporates the statements contained in the affidavit of Dr. John Nathenas (The Nathenas Affidavit) and respectfully represents as follows:

### **Jurisdiction**

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §1334. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2). Venue of these proceedings and this motion is proper in this district pursuant to 28 U.S.C. §§1408 and 1409.

2. The relief sought in this Motion is based upon sections 105 and 363 of the Bankruptcy Code.

### **BACKGROUND**

3. On February 19, 2015, ("Petition Date") debtor commenced an emergent case under Chapter 11 of title 11 of the United States Code ("Bankruptcy Code"). The Debtor is authorized to continue to operate its business as a debtor-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. The Debtor is engaged in the medical diagnostic business utilizing a magnetic resonance imaging machine.

4. On March 11, 2015, Debtor filed First Day Motions (ECF Docket #19) seeking an order concerning insurance and use of cash collateral. With this Amended First Day Motion, Debtor respectfully withdraws its requests concerning insurance.

***Expedited Hearing is Necessary***

5. As described in detail in the Amended First Day Motion and the Nathenas Affidavit filed in support of the Amended First Day Motion the relief requested in the Amended First Day Motion is essential to maintaining the viability of Debtor's business and preserving and maintaining the diagnostic equipment. Accordingly, Debtor believes the Amended First Day Motion involves a matter that requires an expedited emergency hearing and respectfully requests the Court schedule such a hearing on the Amended First Day Motion to be conducted to allow the relief sought in the Amended First Day Motion to be heard in an expedited manner. Debtor respectfully requests the Court enter an order substantially in the form of the order attached hereto as Exhibit A, setting a first day hearing (the "First Day Hearing") on the Amended First Day Motion described in the proposed amended first day agenda attached hereto as Exhibit B. A certification of the exigent nature of the relief requested herein is attached as Exhibit C. A proposed notice of the Amended First Day Motion and First Day Hearing is attached as Exhibit D.

**Notice**

6. No trustee or examiner has been appointed in this Chapter 11 case. A copy of this Motion was provided to the

office of the United State Trustee for the Eastern District of New York (U.S. Trustee). The Debtor proposes to serve notice of the filing of the Amended First Day Motion and the First Day Hearing, substantially in the form attached hereto as Exhibit D. ("First Day Notice") via overnight mail, facsimile or e-mail to (a) the U.S. Trustee, (b) counsel for the Debtor's largest secured lender and largest creditor. The Debtor submits that no other or further notice need to be provided because the other parties affected by the Amended First Day Motion is nominal. Therefore, Debtor requests that service of the notice of the Amended First Day Motion in the form and manner described in this paragraph be deemed adequate and appropriate under the circumstances and in full compliance with the applicable provision of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy rules.

**No Prior request**

7. No prior request for the relief sought in this Motion has been made to this or any other court.

**WHEREFORE** Debtor respectfully request the Court enter an order (a) granting the relief requested herein that is substantially in the for annexed hereto as Exhibit A and (b)

such other and further relief to the Debtor as the Court  
may deem proper.

Dated: March 13, 2015

Respectfully submitted,

LAW OFFICES OF JAE Y. KIM, LLC  
Attorneys for Debtor

By: Jae Y. Kim /s/  
Jae Y. Kim

Law Office of Jae Y. Kim, LLC  
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**ORDER (1) SCHEDULING AN EXPEDITED HEARING ON AMENDED FIRST  
DAY MOTION AND APPLICATIONS FILED BY THE DEBTOR AND (2)  
APPROVING THE FORM AND MANNER OF NOTICE THEREOF**

This matter coming before the Court on the Motion of the Debtor for Entry of an order (1) Scheduling an Expedited Hearing on the Amended First Day Motion filed by the Debtor and (2) Approving the Form and Manner of Notice thereof ("Motion") the court having reviewed the Motion and the Court having found that (a) the court has jurisdiction over this matter pursuant to 28 U.S.C. §157 and §1334 (b) venue is proper in this district pursuant to 28 U.S.C. §1409(c) this is a core proceeding pursuant to 28 U.S.C. §157 (b)(d) notice of the Motion was sufficient under the circumstances and (e) the court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein:

It is hereby ordered that:

1. The Motion is GRANTED.
2. The Court shall hear the First Day Motion on March \_\_\_\_\_, 2015 at \_\_\_\_ - m. Courtroom \_\_\_\_\_, United States Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Brooklyn, NY 11201-1800.
3. The First Day Notice attached to the Motion as Exhibit "D" is approved in all respects.
4. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this order.



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**AMENDED FIRST DAY AGENDA**

A. Cash Collateral - Motion for Debtor for Interim order

Authorizing Debtor's Use of Cash Collateral.

Dated: March 13, 2015

Respectfully submitted,

LAW OFFICES OF JAE Y. KIM, LLC  
Attorneys for Debtor

By: Jae Y. Kim /s/  
Jae Y. Kim

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**CERTIFICATION REGARDING REQUEST FOR EMERGENCY HEARING**

1. I, Jae Y. Kim, HEREBY CERTIFY, as a member of the Bar of this Court that I examined this matter and there is a true necessity for an emergency hearing.

2. I certify further that the necessity for this emergency hearing has not been caused by lack of due diligence, or intentional action or failure to act on my part or by my client but has been brought about only by the circumstances of this case.

3. I certify that this matter cannot be resolved without a hearing, in that the exigency of the state as described in the attached Motion of Debtor for Entry of order; (I) scheduling an expedited Hearing on the Amended First Day Motion filed by the Debtor and (II) Approving the form and Manner of Notice Thereof (the "Expedited Hearing Motion") requires that this Court immediately consider the

relief requested in the Amended First Day Motion (as defined in the Expedited Hearing Motion).

Dated: March 13, 2015

Respectfully submitted,

LAW OFFICES OF JAE Y. KIM, LLC  
Attorneys for Debtor

By: Jae Y. Kim /s/  
Jae Y. Kim

Law Office of Jae Y. Kim, LLC  
15 East 32<sup>nd</sup> St., 3<sup>rd</sup> Floor  
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**NOTICE OF CHAPTER 11 FILING AND OF FIRST DAY MOTION**

Please take notice that:

ON February 24, 2015, Magnetic Resonance Imaging Associates of Queens, P.C. ("Debtor"), filed an emergent voluntary petition for relief under chapter 11 of the title 11 of the United State Code in the United States Bankruptcy Court for the Eastern District of New York ("Court").

1. After filing its petition, Debtor filed and requested a hearing ("First Day Hearing") on the Amended First Day Motion for use of cash collateral.
2. The Court scheduled the First Day Hearing for March \_\_\_\_ 2015 at \_\_\_\_ am in Courtroom \_\_\_\_\_ at the United States Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Brooklyn, NY 11201-1800.
3. A copy of the Amended First Day Motion can be viewed on the court's website [www.ecf.nyeb.uscourts.gov](http://www.ecf.nyeb.uscourts.gov).

4. Your rights may be affected. You should read these papers carefully and discuss them with your attorney if you have one in this bankruptcy case. (If you do not have one in this bankruptcy case, you may wish to consult one.)

If you do not want the Court to grant the relief requested in the First Day Motion, or if you want the Court to consider your view on the First Day Motion, you or your attorney must attend the First Day Hearing.

If you or your attorney do not attend the First Day hearing the Court may grant the relief requested in the First Day Pleading.

Dated: March 13, 2015

Respectfully submitted,

LAW OFFICES OF JAE Y. KIM, LLC  
Attorneys for Debtor

By: Jae Y. Kim /s/  
Jae Y. Kim